

**ENGINEERING AND LAND SURVEYING
EXAMINING BOARD[193C]**

Adopted and Filed

Pursuant to the authority of Iowa Code section 542B.6, the Engineering and Land Surveying Examining Board amends Chapter 8, “Professional Conduct of Licensees,” Iowa Administrative Code.

The amendments to Chapter 8 clarify the rules pertaining to unethical or illegal conduct. These amendments were included in error as Items 3 and 4 in a Notice of Intended Action published in the Iowa Administrative Bulletin on June 13, 2012, as **ARC 0159C**. The proposed amendments in Items 3 and 4 of **ARC 0159C** had not yet been voted on by the Board.

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin on August 8, 2012, as **ARC 0264C**. A public hearing was held on Thursday, August 30, 2012, from 9 to 11 a.m. at the offices of the Professional Licensing Bureau, 1920 SE Hulsizer Road, Ankeny, Iowa. No comments were received. Since publication of the Notice, changes were made to Item 1 to reflect input received from the Administrative Rules Review Committee; the changes clarify the definition of “governmental body.” No changes were made to Item 2.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

These amendments were adopted by the Board on November 1, 2012.

After analysis and review of this rule making, no adverse impact on jobs has been found. Although there should be no impact on jobs, the Board will continue to work with stakeholders to minimize any negative impact and maximize any positive impact toward jobs.

These amendments are intended to implement Iowa Code section 542B.2.

These amendments will become effective January 2, 2013.

The following amendments are adopted.

ITEM 1. Amend subparagraph **8.2(6)“a”(4)** as follows:

(4) Licensees shall not solicit or accept an engineering or land surveying contract from a governmental body when a principal or officer of ~~their~~ the licensee’s organization serves as a an elected, appointed, voting or nonvoting member of the same governmental body which is letting the contract. For purposes of this subparagraph, “governmental body” means a board, council, commission, or similar multimembered body.

ITEM 2. Adopt the following new subparagraph **8.2(6)“a”(7)**:

(7) When a licensee’s organization or a principal, officer, other member, or employee of the licensee’s organization has review authority over the engineering or land surveying projects performed by private contractors within the jurisdiction of a governmental body, the licensee shall not solicit or accept a private engineering or land surveying contract that falls under the review services performed for that governmental body. The purpose of this paragraph is to avoid a circumstance in which a licensee may be called upon to review on behalf of a governmental body the engineering or land surveying services performed by the licensee’s own organization.

[Filed 11/7/12, effective 1/2/13]

[Published 11/28/12]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.